

AMENDED IN SENATE JUNE 5, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 918

Introduced by Assembly Member Chan
(Coauthors: Assembly Members Hancock and Koretz)

February 20, 2003

An act to amend Sections 45102 and 88002 of the Education Code, relating to classified school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 918, as amended, Chan. Classified employees.

Under existing law, if it is necessary to assign a classified employee who is not regularly assigned to serve between the end of one academic year and the beginning of another to serve during that period, a school district and a community college district are required to pay the employee on a pro rata basis not less than the compensation and benefits that are applicable to the classification during the regular academic year.

This bill would require a regular classified employee who is assigned to perform an assignment or service in addition to his or her regular assignment to be paid on a pro rata basis for the additional assignment or ~~serve service~~, not less than the compensation and benefits that are applicable to that classification during the ~~regular academic~~ school year. The bill would require the district to inform the classified employee of the compensation and benefits of the additional assignment or service before the employee begins the additional assignment or service.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 45102 of the Education Code is
2 amended to read:

3 45102. (a) For the purposes of this section every classified
4 employee shall be deemed to be employed for 12 months during
5 each school year regardless of the number of months in which he
6 or she is normally in paid status.

7 (b) If, during a ~~regular academic~~ school year, it is necessary to
8 assign a regular classified employee to perform an assignment or
9 service in addition to his or her regular assignment, a school
10 district shall pay the classified employee on a pro rata basis for the
11 additional assignment or service, not less than the compensation
12 and benefits that are applicable to ~~that other classification~~ *the*
13 *classification of the additional assignment or service* during the
14 ~~regular academic~~ school year, unless the school district has
15 negotiated a contract that allows for a lesser pay scale. A school
16 district shall inform a classified employee of the compensation and
17 benefits of the additional assignment or service before the
18 employee commences the additional assignment or service.

19 (c) A school district ~~which~~ *that*, in any school year, maintains
20 school sessions at times other than during the regular
21 September–June academic year shall assign for service during
22 those times regular classified employees of the district.

23 (d) If it is necessary to assign classified employees not
24 regularly so assigned to serve between the end of one academic
25 year and the commencement of another, that assignment shall be
26 made on the basis of qualifications for employment in each
27 classification of service ~~which~~ *that* is required.

28 (1) A school district ~~shall~~ *may* not require a classified employee
29 whose regular yearly assignment for service excludes all, or any
30 part of, the period between the end of the academic year in June
31 to the beginning of the next academic year in September to
32 perform services during that period.

33 (2) A classified employee shall, for services performed as
34 provided in this subdivision, receive, on a pro rata basis, not less
35 than the compensation and benefits ~~which~~ *that* are applicable to

1 ~~that classification~~ *the classification of the additional assignment*
2 *or service* during the regular academic year.

3 (e) This section shall apply to districts that have adopted the
4 merit system in the same manner and effect as if it were a part of
5 Article 6 (commencing with Section 45240).

6 SEC. 2. Section 88002 of the Education Code is amended to
7 read:

8 88002. (a) For the purposes of this section, every classified
9 employee shall be deemed to be employed for 12 months during
10 each college year regardless of the number of months in which he
11 or she is normally in paid status.

12 (b) If, during a college year, it is necessary to assign a regular
13 classified employee to perform an assignment or service in
14 addition to his or her regular assignment, a community college
15 district shall pay the classified employee on a pro rata basis for the
16 additional assignment or service, not less than the compensation
17 and benefits that are applicable to ~~that other classification~~ *the*
18 *classification of the additional assignment or service* during the
19 regular college year, unless the community college district has
20 negotiated a contract that allows for a lesser pay scale. A
21 community college district shall inform a classified employee of
22 the compensation and benefits of the additional assignment or
23 service before the employee commences the additional
24 assignment or service.

25 (c) A community college district that, in any college year,
26 maintains school sessions at times other than during the regular
27 academic year shall assign for service, during those times, regular
28 classified employees of the district.

29 (d) If it is necessary to assign classified employees not
30 regularly so assigned to serve between the end of one academic
31 year and the commencement of another, the assignment shall be
32 made on the basis of qualifications for employment in each
33 classification of service that is required.

34 (1) A community college district ~~shall~~ *may* not require a
35 classified employee whose regular yearly assignment for service
36 excludes all, or any part of, the period between the end of the
37 academic year to the beginning of the next academic year to
38 perform services during that period.

39 (2) A classified employee, for services performed as provided
40 in this subdivision, shall receive, on a pro rata basis, not less than

1 the compensation and benefits that are applicable to ~~that~~
2 ~~classification~~ *the classification of the additional assignment or*
3 *service* during the regular academic year.

4 (e) This section shall apply to districts that have adopted the
5 merit system in the same manner and effect as if it were a part of
6 Article 3 (commencing with Section 88060).

